

ORDINANCE _____

AN ORDINANCE relating to land use and zoning, amending Seattle Municipal Code (SMC) Sections 23.47.004, 23.47.008 and 23.47.009; adding a new Section 23.34.089, Locational Criteria – Station Area Overlay District, to the SMC; and adding a new Chapter 23.61, Station Area Overlay District, to the SMC; amending Ordinance 120248 (Interim Overlay District) to expire on the effective date of this ordinance; all to establish a new permanent station area overlay district to prohibit uses incompatible with transit-oriented development and establish development standards supportive of transit-oriented development.

WHEREAS, RCW 81.104 directs municipalities to regulate land uses in a manner that supports high capacity transportation systems; and

WHEREAS, in November 1996, the voters of the three-county Sound Transit District approved *Sound Move*, the ten-year regional transit system plan, which includes a 23-mile new electric light rail line connecting SeaTac, Tukwila, and Seattle; and

WHEREAS, Sound Transit is proceeding to implement the Sound Move plan, including the light rail component; and

WHEREAS, in April 1998, the City of Seattle and Sound Transit executed a Memorandum of Agreement for Intergovernmental Cooperation for the Central Light Rail Transit Project (hereinafter, the MOA), as authorized by Ordinance 118927; and

WHEREAS, under the terms of the MOA, the City is conducting station area planning for light rail station areas in Seattle; and

WHEREAS, the City Council adopted Resolution 29867 in December 1998, establishing goals and strategies to promote transit-oriented development in light rail station areas; and

WHEREAS, the City has given guidance to Sound Transit as to preferred light rail routes and station locations, and desired patterns for development around light rail stations, in previous legislation, including Resolution 30073 adopted on November 15, 1999; and

WHEREAS, on November 18, 1999, the Sound Transit Board of Directors identified the Locally Preferred Alternative (LPA) light rail alignment and station locations; and

WHEREAS, the Station Area Interim Overlay District was established in March 1999 by Ordinance 119394 around proposed Sound Transit Link light rail stations for the purpose of preserving opportunities for transit and pedestrian-oriented development in accordance with Council approved goals and objectives; and

WHEREAS, the boundaries of the Station Area Interim Overlay District were modified in November 1999 by Ordinance 119672; and

1 WHEREAS, the Station Area Interim Overlay District expiration date was extended until September 1,
2000 in February 2000 by Ordinance 119838; and

2 WHEREAS, the Station Area Interim Overlay District expiration date was extended until March 1,
3 2001 in August 2000 by Ordinance 120039; and

4 WHEREAS, the Station Area Interim Overlay District expiration date was extended until September 1,
2001 in February 2001 by Ordinance 120248; and

5 WHEREAS, the City Council adopted Resolution 30165 in September 2000, approving concept-level
6 station area planning recommendations for the areas around the light rail stations; and

7 WHEREAS, the City Council adopted Resolutions 29942, 29830, 29979, 29976, 29995, 29869, 29903
8 and 29808 in 1998 through 1999, approving neighborhood plans applicable to each of the station
areas affected by this ordinance; and

9 WHEREAS, the City Council finds that this ordinance should be adopted for the reasons contained in
10 the Executive Report on the Proposed Station Area Overlay District, April 19, 2001; and

11 WHEREAS, the City Council finds that these proposed amendments will implement the policies
12 contained in RCW 81.104 and be consistent with the resolutions identified above, and will
promote the health, safety and welfare of the general public; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

13 **Section 1.** A new Section 23.34.089 is added to the Seattle Municipal Code as follows:

14 **23.34.089 Locational Criteria - Station Area Overlay District.**

15 A. Establishing A Station Area Overlay District.

16 In reviewing a proposal to establish a Station Area Overlay District, the following criteria shall
17 be considered:

18 1. Function. To preserve or encourage a diverse, mixed-use community with a
19 pedestrian orientation around proposed light rail stations or access to other high capacity transit, where
incompatible automobile-oriented uses are discouraged and transit-oriented use and development is
encouraged.

20 2. Desired Characteristics. The Station Area Overlay District designation is most
21 appropriate in areas generally characterized by one or more of the following:

22 a. high levels of pedestrian activity at street level in commercial and mixed
use zones; or

23 b. presence of a wide variety of retail/service activities in commercial and
mixed use zones; or

24 c. minimal pedestrian-auto conflicts; or

d. medium to high residential density in close proximity to light rail stations or access to other high capacity transit.

3. Physical Conditions Favoring Designation as Station Area Overlay District. The station area overlay district shall be located around a proposed light rail station or access to other high capacity transit and include land within approximately one thousand three hundred and twenty feet (1,320') of the station or stop. Other factors to consider in including properties within the overlay district include, but are not limited to the following:

- a. presence of medium to high density residential zoning in proximity to the proposed light rail station or access to other high capacity transit;
- b. presence of a commercial or mixed use area where goods and services are available to the public and where opportunities for enhancement of the pedestrian environment exist;
- c. opportunities for new development to access transit, bicycle and pedestrian modes of transportation;
- d. opportunities for construction of new development that will support transit;
- e. properties zoned Single Family may only be included within the overlay district when it can be demonstrated that the criteria for Single Family designation cannot be satisfied.

B. Revising the boundaries of a Station Area Overlay District.

1. When a proposal is made to include land within an existing Station Area Overlay District, the land proposed to be added must be contiguous to the Station Area Overlay District, be consistent with the criteria prescribed in subsection A, above, and satisfy the function and locational criteria for a commercial or multifamily zone designation.

2. When a proposal is made to remove land from an existing Station Overlay District, the land proposed to be removed must be contiguous to land lying outside the boundary and not meet the criteria in subsection A of this section.

Section 2. Subsection E of Section 23.47.004 of the Seattle Municipal Code, which Section was last amended by Ordinance 119698, is amended as follows:

23.47.004 Permitted and prohibited uses.

* * *

E. Residential Uses.

1. Residential Use in Single-purpose Residential Structures. Residential use in single-purpose residential structures is permitted as an administrative conditional use, unless:

- a. The structure is located within an area in which the use is either permitted outright or prohibited, as shown on the Maps 23.47.004 A, B, C, D, E, F, G, H and I;

b. The structure is located in a pedestrian-designated zone, in which case residential use is prohibited at street level along the designated principal pedestrian street as provided in Section 23.47.042;

c. The structure is located within a zone which has a height limit of eighty-five (85) feet or higher, in which case single-purpose residential structures are prohibited;

d. The residential use is a nursing home, in which case it is permitted outright unless prohibited as provided in subsection E1b((-));or

e. The structure is located within the Station Area Overlay District, in which case the provisions of Chapter 23.61 apply.

2. Residential Use in Mixed-use Development. Residential use in mixed-use development is permitted outright in NC1, NC2, NC2/R, NC3, NC3/R and C1 zones; provided that, for assisted living facilities, which are considered mixed-use development, private living units and parking accessory to those units are prohibited at street level.

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Section 3. Subsection D of Section 23.47.008 of the Seattle Municipal Code, which Section was last amended by Ordinance 119239, is amended as follows:

23.47.008 Mixed use development.

* * *

D. Above thirteen (13) feet from finished grade, the residential portion of a structure containing residential and nonresidential uses shall be limited to a maximum lot coverage of sixty-four (64) percent. Portions of structures exempted from structure width as provided in Section 23.86.014 C shall also be exempt from lot coverage calculations. If the nonresidential and residential uses are located in separate structures, this provision shall apply only to the portion of the residential structure more than thirteen (13) feet above finished grade. This provision shall not apply when an area in an existing building, in nonresidential use as of April 3, 1995, is converted to residential use, provided that the structure is not modified in any way that increases the coverage to greater than sixty-four (64) percent of the portion of the structure in residential use and over thirteen (13) feet above finished grade. This subsection D does not apply within the Station Area Overlay District, Chapter 23.61.

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Section 4. Subsection B of Section 23.47.009 of the Seattle Municipal Code, which Section was last amended by Ordinance 118414, is amended as follows:

23.47.009 Density limits for residential uses.

* * *

B. Density limits shall not apply to single-purpose residential structures within the Station Area Overlay District, pursuant to Chapter 23.61, or along selected streets in the Pike/Pine Overlay District, pursuant to Chapter 23.73. Where the Station Area Overlay District and the Pike/Pine Overlay District overlap, the provisions of the Pike/Pine Overlay District shall prevail.

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Section 5. A new Chapter 23.61, Station Area Overlay District, is hereby added to the Seattle Municipal Code to read as follows:

Chapter 23.61 Station Area Overlay District

23.61.002 Purpose and Intent.

The purpose and intent of this Chapter is to regulate land use and development in a manner that supports transit-oriented development near light rail stations.

23.61.004 Station Area Overlay District Established.

There is hereby established pursuant to Chapter 23.59 of the Seattle Municipal Code, the Station Area Overlay District, as shown on the Official Land Use Map, Chapter 23.32.

23.61.006 Application of Regulations.

All land located within the Station Area Overlay District is subject to the regulations of the underlying zone unless specifically modified by the provisions of this Chapter. In the event of a conflict between the provisions of the Station Area Overlay District and the underlying zone, the provisions of this Chapter prevail. Where a conflict exists between the provisions of this Chapter and the Pike Pine Overlay district or the Shoreline Master Program, the provisions of the Pike Pine Overlay District or the Shoreline Master Program prevail.

23.61.008 Prohibited Uses.

The following uses are prohibited within an underlying commercial zone as both principal and accessory uses, except as otherwise noted:

- A. Drive-in businesses;
- B. Dry storage of boats;
- C. General manufacturing;
- D. Heavy commercial services, except laundry facilities existing as of April 1, 2001;
- E. Sales and rental of large boats;
- F. Vessel repair (major or minor);
- G. Mini-warehouse;
- H. Principal use, nonresidential long-term parking;
- I. Outdoor storage;

- J. Sale of heating fuel;
- K. Sales, service and rental of commercial equipment and construction materials;
- L. Salvage and recycling;
- M. Towing services;
- N. Vehicle repair (major or minor);
- O. Wholesale showroom;
- P. Mini-warehouse; and
- Q. Warehouse.

23.61.010 Location and access to parking.

A. Parking must be located to the rear of a structure or built into or under a structure; or parking may be located between a rear or side lot line and a structure. The provisions of subsection 23.47.032 B2c do not apply.

B. In pedestrian-designated zones, location and access to parking is governed by the provisions of 23.47.046, Parking location in pedestrian-designated zones.

23.61.012 Single purpose residential development.

A Single-purpose residential structures located in a commercial zone are permitted outright, unless the structure is located on a lot in a pedestrian-designated zone, in which case they are prohibited or in the Pike Pine Overlay District where the provisions of that Chapter apply.

B. The density limits of 23.47.009 do not apply to single-purpose residential structures in the Station Area Overlay District.

23.61.014 Nonconforming uses.

A. The provisions of this Section apply to the following station areas:

- 1. Henderson;
- 2. Othello;
- 3. Edmunds; and
- 4. McClellan.

B. The provisions of this Section apply to the following nonconforming uses:

- 1. Gas stations;
- 2. General manufacturing;
- 3. Heavy commercial services;
- 4. Mini-warehouse and warehouse; and
- 5. Vehicle repair (minor).

C. The standards for nonconforming uses of the underlying zone and any overlay districts apply, except that uses listed in subsection B may be expanded or extended by an amount of gross floor area not to exceed twenty (20) percent of the existing gross floor area of the use, provided that this exception may be applied only once to any individual business establishment.

Section 6. Section 2 of Ordinance 120248 is hereby amended to read as follows:

This ordinance expires ~~September 1, 2001~~ on the effective date of legislation establishing a permanent Station Area Overlay District.

Section 7. Severability. The several provisions of this ordinance are declared to be separate and severable and the invalidity of any clause, sentence, paragraph, subdivision, section, subsection, or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 8. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2001, and signed by me in open session in authentication of its passage this ____ day of _____, 2001.

President _____ of the City Council

Approved by me this ____ day of _____, 2001.

Mayor

Filed by me this ____ day of _____, 2001.

City Clerk

(Seal)